

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2202 – SB 2383

February 27, 2018

SUMMARY OF ORIGINAL BILL: Requires a party perfecting an appeal from general sessions court to circuit court to provide written notice to all parties to such suit.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013769): Deletes and rewrites the proposed legislation to require a party perfecting an appeal from a general sessions case, except cases where cross appeals and separate appeals are not required, to serve notice on all parties that an appeal has been taken.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 27-5-101 et seq. governs the procedure for seeking an appeal to circuit court from the judgment of a general sessions court.
- Tennessee Code Annotated § 27-5-108 requires the party perfecting such an appeal in a case in which comparative fault is an issue at trial to serve written notice upon all parties against which an appeal is taken.
- Unless a cross appeal or separate appeal is required, the proposed legislation requires the appealing party to serve written notice to all parties, regardless of whether comparative fault was an issue at trial.
- Assuming that the failure to adhere to the notice requirements under the proposed legislation will not prevent the circuit court from exercising jurisdiction over the appeal, the proposed legislation will not result in any cases being dismissed.
- Any impact to the court system can be accommodated within existing resources.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm